CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JANUARY 6, 2004

INVOCATION
Pastor Joe Hunt of Pacific Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Mariscal led the pledge of allegiance.

CALL TO ORDER
Mayor Lavagnino called the meeting to order at 6:30 p.m.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

ALSO PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Montandon, Director of Community Development Lindsey, Director of Administrative Services Cox, Police Chief Macagni, Fire Chief Ortiz, City Librarian Pinneli, Director of Recreation and Parks Posada, City Engineer Sweet, Utilities Manager Chisam, and Chief Deputy City Clerk Perez.

RESOLUTION COMMENDING CRAIG ROSS
Mayor Lavagnino read Resolution No. 2004-01 commending Craig Ross, Lieutenant with the Police Department, upon his retirement after twenty-eight years of outstanding, dedicated service to the City.

Resolution No. 2004-01 was adopted on motion by Mayor Lavagnino, second by Councilmember Mariscal and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2004-01 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING SANTA MARIA POLICE LIEUTENANT CRAIG ROSS FOR HIS 28 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM UPON HIS RETIREMENT.

Mayor Lavagnino presented the Resolution to Craig Ross.

Lieutenant Ross thanked the City Council, City Manager Ness, Director of Administrative Services Cox, Information Services Manager Schnell and his staff, and the Santa Maria Police Department for a great career.

Mayor Lavagnino and the Council congratulated Lieutenant Ross on his retirement.

LIBRARY LOVERS MONTH
Councilmember Patino presented a proclamation to Gloria Hoeft, President of Friends of Santa Maria Library, declaring the month of February 2004 as "Library Lovers Month" in Santa Maria and encouraging everyone to visit their library and thank a librarian for making this unique and wonderful institution possible.

Ms. Hoeft thanked the Council and presented each with a sweatshirt from Friends of the Santa Maria Library.

CONSENT CALENDAR
Ernest Armenta requested Items 2D and 2H be pulled.

Councilmember Mariscal requested Items 2M and 2N be pulled for discussion.

Ernest Armenta spoke regarding Item 2D, Wage and Benefit Packages for non represented full-time management and confidential employees and public safety managers, and indicated in these economic times the City should not be granting any pay increases to employees. He also spoke on Item 2H, an Ordinance changing the definition of boardinghouse, indicating the ordinance would pit neighbor against neighbor, and a property owner should be allowed to rent out rooms.

Councilmember Mariscal asked on Item 2M, a Subdivision Map and Agreement for Foxenwood Townhomes, if new "Welcome to the City of Santa Maria" signs would be installed at this project.

City Engineer Sweet indicated he would contact Caltrans and request one.

Councilmember Mariscal then asked on Item 2N, a Subdivision Map and Agreement for Arborwalk, if the appropriate measures had been taken to ensure privacy since the units would be two story and in close proximity of each other.

Mayor Lavagnino indicated these units would be similar to the Crossroads Cottages currently under construction on McCoy and would be very nice units.

Consent Calendar Items A through N were accepted, approved with the indicated action, and ordered ratified on motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES
Recommendation of City Staff to waive the reading in full of all ordinances. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of December 16 and the Special Meeting of December 29, 2003 were approved as submitted.

C. CONFLICT OF INTEREST CODE
Resolution No. 2004-02 was adopted approving amendments to Appendix "A" of the Conflict of Interest Code for designated filers of the City of Santa Maria.

Resolution No. 2004-02 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AMENDING APPENDIX "A" OF THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

D. WAGE AND BENEFIT PACKAGES
Resolution No. 2004-03 was adopted approving a wage and benefit package for non represented full-time management and confidential employees. Resolution No. 2004-04 was adopted approving a wage and benefit package for public safety managers.

Resolution No. 2004-03 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE NON REPRESENTED FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

Resolution No. 2004-04 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE PUBLIC SAFETY MANAGERS.

E. WARRANTS
Warrant Nos 109718 to 110085 in the amount of $3,990,265.15 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 109018 and 109661 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. ENTERTAINMENT LICENSE
Council approved an entertainment license for Maverick Saloon and Grill at 510 South Broadway, pursuant to Section 7-4.203(b) of the Santa Maria Municipal Code.

H. ORDINANCE NO. 2003-25
Council conducted a second reading and adopted Ordinance No. 2003-25 amending Section 12-2.19 of the Santa Maria Municipal Code to change the definition of boardinghouses.

Ordinance No. 2003-25 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 12-2.19 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO BOARDINGHOUSES.

I. ALCOHOLIC BEVERAGE LICENSE
Noted and filed a notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (Transfer of Ownership) for Ralph's Grocery at 1465 S. Broadway.

J. ALCOHOLIC BEVERAGE LICENSE
Noted and filed a notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (Person to Person Transfer) for Pizza Palace Buffet at 1468 S. Broadway (formerly Straw Hat Pizza).

K. BID NO. 2004/10
Resolution No. 2004-05 was adopted approving an agreement with Smith Electric Service for the Landfill Storage Maintenance Building Remodel, Bid No. 2004/10 in the amount of $303,235.00.

Resolution No. 2004-05 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH BRANNON, INC., DBA SMITH ELECTRIC SERVICE FOR THE LANDFILL STORAGE MAINTENANCE BUILDING REMODEL, BID NO. 2004/10.

L. STREET NAME CHANGE
Resolution No. 2004-06 was adopted implementing a street name change in the Bradley Square Subdivision, Phases 4, 6 & 7, Tract 5782, from Marriott Way to Logan Drive.

Resolution No. 2004-06 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A PROPOSED STREET NAME CHANGE FROM MARRIOTT WAY TO LOGAN DRIVE.

M. SUBDIVISION IMPROVEMENT AGREEMENT
Resolution No. 2004-07 was adopted approving the subdivision map and agreement for Foxenwood Townhomes, Tract 5763.

Resolution No. 2004-07 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR FOXENWOOD TOWNHOMES, TRACT 5763.

N. SUBDIVISION IMPROVEMENT AGREEMENT
Resolution No. 2004-08 was adopted approving the subdivision map and agreement for ARBORWALK, Tract 5831.

Resolution No. 2004-08 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR ARBORWALK, TRACT 5831.

PUBLIC COMMENT PERIOD
Ernest Armenta spoke regarding property rights and the Cummings trial.

Mary Jacka spoke regarding the need for more low cost housing.

Mayor Lavagnino informed her that Santa Maria had provided more affordable housing than any other city in Santa Barbara County or the County itself. A chart was displayed showing the affordable housing projects recently constructed.

Pedro Paez spoke regarding the need for low cost housing for agriculture workers.

Jesus Estrada also spoke regarding the need for low cost housing.

James Watson spoke against fluoridation of City water.

APPEAL OF PLANNING COMMISSION DENIAL FOR ARCO
Community Development Director Lindsey announced this was a continued public hearing regarding an appeal of a Planning Commission denial for sale of alcohol at the ARCO Mini-Mart and Gas Station, located at 1000 East Betteravia Road, U-2003-024, E-2003-028. The City Council continued this item from its October 21, 2003, meeting at the request of the applicant. The project applicant has requested a further continuance to the February 17, 2004, City Council meeting.

Mayor Lavagnino asked the Council if the applicant should be told this would be the last continuance. Council agreed.

On motion by Councilmember Trujillo, second by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

the appeal was continued to the regular meeting of February 17, 2004.

APPEAL OF PLANNING COMMISSION APPROVAL OF LA BREA PLAZA
Mayor Lavagnino announced that on December 30, 2003, the City received a letter from the appellant withdrawing the appeal. No action was taken.

ASUNCION GENERAL PLAN AMENDMENT AND ZONE CHANGE
Community Development Director Lindsay gave the Staff Report. This is a continued public hearing regarding a General Plan Amendment and Zone Change for Asuncion, located at 450-460 W. Stowell Road. The City Council continued this item from its December 2, 2003, meeting at the request of the applicant. The application was submitted to intensify the use of the site to accommodate nine duplexes. The proposed amendments would alter the general plan land use designation of the property from LDR (Low Density Residential) to MDR-12 (Medium Density Residential), and change the zoning designation from R-1 (Single Family Residential) to PD/R-2 (Planned Development/Medium Density Residential). On October 15 and November 5, 2003, the Planning Commission held public hearings to consider the proposed General Plan Amendment and Zone Change. Originally, staff recommended approval of the project. However, on a 4-1 vote, the Planning Commission adopted Resolution No. 2314 recommending that the City Council deny the General Plan (Land Use) Amendment and

zone change. The Planning Commission based its recommendation for denial on information presented at the public hearing including the proposed project is not consistent with several goals and policies of the General Plan; the proposed project is not necessary for the public necessity, convenience and general welfare in that the increased density would reduce the amount of privacy for adjacent property owners; and the request would be a spot zoning that is not appropriate for the area. On December 29, 2003, the project applicant submitted four "special conditions" that he would like the Council to consider. Apparently the applicants also submitted revised plans to the City Council that staff has not seen. The options available to the Council are to approve the request as recommended by staff and continue the matter to the next meeting for preparation of a resolution of approval; take the Planning Commission's recommendation and deny the application; or because of the extra conditions and the revised plans, refer the matter back to the Planning Commission for its review of the new information.

Mayor Lavagnino asked if the applicant had abandoned the configuration that was submitted as part of the initial application. If so, should the action of the City Council be to refer it back to the Planning Commission.

City Attorney Montandon explained that if the proposed changes were significant and had not been reviewed by staff or the Planning Commission or had adequate environmental review, the City Council could not take action on the project.

Mayor Lavagnino stated that the City Council had received numerous request to speak forms on this project from people in the audience. Those people had not seen the revised plans. The Council has no choice but to send it back to the Planning Commission.

Councilmember Mariscal asked if a new environmental review would be required.

Director of Community Development Lindsey explained that the new project would require an environmental review by staff to determine whether a new initial study would be necessary. The project would be reviewed by the Planning Commission at the earliest opportunity in a public hearing where the members of the audience would be able to comment.

Mr. Lopez, the applicant, stated it was not their intent to inconvenience the City Council or the audience. The new design is a similar project that would be better for the developer and the surrounding community.

On motion by Councilmember Patino, second by Councilmember Mariscal, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

the application was referred back to the Planning Commission for consideration of the suggested "special conditions" and new design submitted by the applicant.

REPORT BY CITY MANAGER

City Manager Ness reported that two Councilmembers would be absent from the January 20, 2004, City Council meeting, and the Mayor had requested the agenda be very light.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Patino reported on the press conference held by Lieutenant Governor Cruz Bustamante at which he declared Santa Barbara County to be a disaster area due to the December 22nd earthquake.

Councilmember Mariscal announced on January 2nd he and his wife had celebrated their 21st wedding anniversary. He recognized fallen Police Officer Robert Ramos's wife, Yolanda, and his brother, who were in attendance.

CLOSED SESSION

The City Council recessed at 7:40 p.m. to a Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; Carreras v. City of Santa Maria; and Conference with Legal Counsel regarding Initiation of Litigation – one matter pursuant to Government Code Section 54956.9 (c).

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status Report. Information only.

Carreras v. City of Santa Maria – Status report. Information only.

Initiation of Litigation – Information only.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:34 p.m. by order of Mayor Lavagnino.

APPROVED 1-20-04
Date

ATTEST
Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex-officio Clerk of the City Council

Mayor of the City of Santa Maria